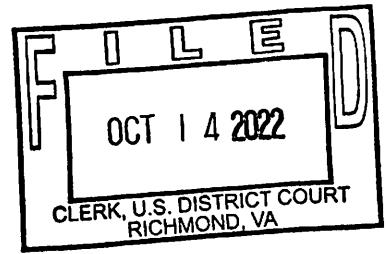


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JUSTIN CORNELL, No. 1738299,
Petitioner,



v.

Civil Action No.: 3:21cv593

DIRECTOR,
DEPARTMENT OF CORRECTIONS,
Respondent.

PETITIONER'S RESPONSE TO RESPONDENT'S CORRECTED RULE 5

ANSWER AND MOTION TO DISMISS

PETITIONER'S RESPONSE TO RESPONDENT'S CORRECTED BRIEF

IN SUPPORT OF RULE 5 ANSWER AND MOTION TO DISMISS

WITHOUT PREJUDICE

The Petitioner, Justin Cornell, pro se, supports the Respondent's motion to dismiss without prejudice Mr. Cornell's petition for writ of habeas corpus.

1. Mr. Cornell will refile, if needed, after exhaustion in the state courts.
2. Mr. Cornell's intention was never to subvert the comity interest of the state, nor to disrespect the Republic. In an attempt to achieve justice in the most expedient manner, Mr. Cornell filed in this Court hoping the Virginia Supreme Court would act swiftly. Further, Mr. Cornell wanted to ensure he timely filed.
3. Each and every allegation not expressly admitted should be taken as denied. Specifically, Mr. Cornell did not enter a guilty plea. He has always maintained his absolute innocence from arrest, through trial, appeal, and

in all post-conviction actions. (Resp's Corrected Br. ¶1.)

4. Mr. Cornell is not requesting an evidentiary hearing at this time.

5. Mr. Cornell is not moving for an additional stay and abeyance in order that this Court docket is clear of this inactive case until the state courts make their rulings.

CONCLUSION

WHEREFORE, the petitioner does not oppose the respondent's motion to dismiss without prejudice the petition for writ of habeas corpus.

Respectfully submitted,



Justin Cornell
Petitioner pro se

OFFICE OF THE ATTORNEY GENERAL
CRIMINAL APPEALS SECTION (KJM/307)
202 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219



Please note that Lefton did not receive
the Respondents' filing until October 3, 2022.
Twelve days passed between the election
and Lefton's filing (October 3, 2022).
Lefton's filing was received on September 26, 2022.
Fifteen days passed between the election
and Lefton's filing (October 3, 2022).

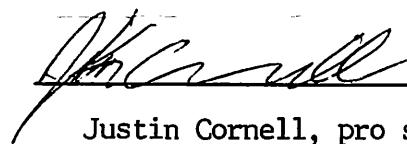
RECEIVED
SEP 26 2022
The Respondents' filing was received on September 26, 2022.
Twelve days passed between the election
and Lefton's filing (October 3, 2022).
Lefton's filing was received on September 26, 2022.
Fifteen days passed between the election
and Lefton's filing (October 3, 2022).

RECEIVED
SEP 28 2022
33-170
J.A.D.C. Centralized Mail Distribution Center
Postin Keith Cornell, #1738299
3521 Woods Way
State Farm, VA 23100
Lawrenceville
Brooks

CERTIFICATE OF SERVICE

I, Justin Cornell, pro se, certify that a true and exact copy of the foregoing Response to Respondent's Motion to Dismiss W/O Prejudice was sent to the named respondent(s) on the 12 day of October, 2022, by way of first class U.S.P.S., to wit:

Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219



Justin Cornell, pro se

STATE OF VIRGINIA:

County of Brunswick, to-wit:

Subscribed and sworn to before me this 12 day of October, 2022
My commission expires: 68-31- 2026

Jennifer Dawn Flynn
Notary Public Signature

8005029
Registration No.

Seal:

